



**LAW
INSTITUTE
VICTORIA**

Administrative Law and Human Rights Section

Annual Report 2023

Prepared by: Nick Newlands & Anisa Sakhi

Date: 20 November 2023

Contact

T 03 9607 9311

lawinst@liv.asn.au

www.liv.asn.au

Table of Contents

ALHR Section	3
Objectives	3
Section Committees	3
Section Membership	3
Executive Committee	4
Membership	4
Section Committees	4
Chair Report	5
Administrative Review and Constitutional Law Committee	6
Membership	6
Section Committees	6
Chair Report	6
Animal Law and Welfare Committee	8
Membership	8
Section Committees	8
Chair Report	8
Human Rights Committee	10
Membership	10
Section Committees	10
Chair Report	10
Migration Law Committee	13
Membership	13
Section Committees	13
Chair Report	14
Reconciliation and Advancement Committee	17
Membership	17
Section Committees	17
Chair Report	17
Refugee Law Reform Committee	19
Chair Report	20
Advocacy Work	22
Administrative Law and Human Rights Section	2

Submissions 22

Memoranda to the Law Council of Australia (LCA) 22

Events and External Engagements 23

 Guest Speakers at Committee Meetings 23

 Key Meetings with External Bodies 24

ALHR Section

Objectives

The Administrative Law and Human Rights (**ALHR**) Section promotes law reform, advocates for policy development, and represents the interests of lawyers in a broad range of areas including human rights, administrative law, constitutional law, Indigenous affairs, refugee, migration, and animal law.

The objectives of the ALHR Section are to:

- Protect and promote human rights and the rule of law in Victoria and across Australia;
- Monitor legislative changes that impact on administrative law and human rights issues, and make recommendations for improvements to legislation on behalf of the legal profession;
- Advocate for policy development to strengthen human rights and the rule of law on behalf of the legal profession;
- Give a voice to the expertise of the legal profession by preparing written submissions to Parliamentary inquiries, Government departments, the Law Council of Australia, and the LIV Council;
- Strengthen relationships between the legal profession and key decision makers including Government departments, Courts and tribunals, regulatory and administrative bodies, and Members of Parliament; and
- Promote the practice of administrative law and human rights law.

Section Committees

The ALHR Section comprises of an Executive Committee and the following sub-committees and working groups:

- Administrative Review and Constitutional Law Committee;
- Animal Law and Welfare Committee;
- Human Rights Committee;
- Migration Law Committee;
- Reconciliation and Advancement Committee; and
- Refugee Law Reform Committee

Section Membership

As of 30 June 2023, the ALHR Section comprised 2740 members.

Executive Committee

Membership

Section Chair: Lena Hung
Section Lawyer: Nick Newlands
Section Paralegal: Anisa Sakhi

Section Committees

Mick Batskos FOI Solutions	Mary Hanna Mary Hanna Lawyers	Valerie Da Gama Pereira Da Gama Pereira and Associates Pty Ltd
Eric Dyrenfurth Dyrenfurth Legal Services	Chris Spentzaris Fragomen	Carina Ford Carina Ford Immigration Lawyers
Lena Hung (Chair) Lena Hung & Associates	Jacinta Lewin Maurice Blackburn	Nicky Neville-Jones Clancy Triado Family Lawyers
Sam Fitzsimons Abode Migration Lawyers	Nidal Sayegh Victorian Government Solicitors Office	Melissa Haag HWL Immigration Lawyers
Michael Thorne Avant	Eu-Jin Teo University of Melbourne	Toniley Munro Carina Ford Lawyers

<p>Kate Coffey AUM Lawyers</p>	<p>Sophie Brown Landers & Rogers</p>
-------------------------------------------	-----------------------------------------------------

Chair Report

The Executive Committee of the LIV Administrative Law and Human Rights (ALHR) Section sets the overall agenda and policy direction for the ALHR Section and oversees the work of all the Section’s many subcommittees. The Executive Committee comprises of sub-committee chairs and deputy chairs, and members of the section who practise actively in the area of administrative law and members with a keen interest in human rights and social justice issues.

The Executive Committee promotes the work and issues of the ALHR Section, by addressing overarching and systemic administrative, constitutional and human rights issues impacting on our members and the community. The Section plays an important role in making recommendations to State and Federal legal communities to uphold the rule of law and protect administrative review.

The 2023 year was a very busy year for the ALHR Section, having completed a number of submissions, letters and memoranda to relevant key stakeholders addressing the issues impacting on our sub-committees. The Migration Law Committee and Refugee Law Reform Committee, were particularly busy with the overhaul of Australia’s visa and immigration system, having contributed substantially to submissions to the Law Council of Australia addressing the role of permanent migration in Nation Building, the Administrative Review Reform Issues Paper, proposed amendments to family violence provisions and strengthening employer compliance, as well as the Humanitarian Program and bar lift requests relating to specific provisions of the Migration Act. The Animal Law and Welfare Committee continued its advocacy for reforms to regulate recreational duck hunting and made submissions to the Victorian Government on the Inquiry into Native Bird Hunting arrangements. The Human Rights Committee contributed to the National Human Rights Framework and the proposed expansion of Victoria’s anti-vilification protections. The Reconciliation and Advancement Committee, along with the Administrative Review and Constitutional Law committee have continued to work together on a discussion forum following the outcome of the Voice Referendum.

I would like to thank all the members of our Executive Committee and members of all our sub-committees who generously gave their time and expertise to contribute to the submissions and advocacy work of the Section. We are fortunate to have to such a diverse and wealth of knowledge among our members.

The reforms to the Administrative Appeals Tribunal (AAT) allowed several members of our Section, including Co-Chairs of our Migration Law committee receive appointments to the AAT following a transparent and merit-based selection process. I would like to congratulate them on their appointment to the AAT and to thank them for their contributions to our Section and the subcommittees.

It has been a pleasure and privilege to chair the ALHR Section. Our achievements would not have been possible without the hard work and ongoing support from the Law Institute staff. I would like to thank the section’s policy lawyers and officers, Nicholas Newlands and Anisa Sakhi for their dedication and assistance throughout the year. I would also like to thank Alex Moses, who had supported our section over the past few years. Special thanks also to Anisa Sakhi who will be leaving the section at the end of the year and will be sorely missed. I am very proud of the Section’s achievements this year and look forward to seeing the Section continue to make significant impact on our legal communities and to advocate for better laws and better outcomes for the legal profession.

Lena Hung

Chair

Administrative Review and Constitutional Law Committee

Membership

Chair:	Nidal Sayegh
Deputy Chair:	Elisa Hesling
Section Lawyer:	Nick Newlands
Section Paralegal:	Anisa Sakhi

Section Committees

Mick Batskos (Chair) FOI Solutions	Eric Dyrenfurth Dyrenfurth Legal Services	Elisa Hesling FOI Solutions
Peggy Kerdo Kerdo Legal	Richard Knowles Vic Bar	Christina Lien Visa Executive
Tim Peyton Victorian Government Solicitor's Office	Laura Wilson Victoria Legal Aid	Nidal Sayegh Victorian Government Solicitor's Office
Steven Stern Victoria University	Eu-Jin Teo University of Melbourne	Vanessa Twigg Victorian Ombudsman

Chair Report

The Administrative Review and Constitutional Law Committee ('**Committee**') has a diverse membership from all areas of the legal profession, across a range of experience in government, the private sector, academia, the Courts, and integrity bodies. This diversity is important and needs to be maintained to ensure maximum potential for the Committee to perform its functions.

The functions of the Committee continue to involve:

- Monitoring developments and recommending reform options in the areas of administrative and constitutional law;

- Strengthening relationships between the legal profession and the courts, tribunals, regulatory and administrative bodies, and government;
- Initiating professional development materials, which meet the needs of practitioners working in the areas of administrative or constitutional law; and
- Promoting within the legal and non-legal community the observance of administrative and constitutional law, and an appreciation for the rule of law.

In 2023 the Committee worked collegiately and collaboratively with a number of other LIV Committees being the Government Law Committee, State Tax Committee and the Reconciliation and Advancement Committee.

Law Institute Journal

- The Committee led the development of an Administrative Law edition of the LIJ due to be published in December 2023, with several Committee members contributing articles.

Watching brief

Over the last year the Committee has monitored developments including in relation to:

- The Robodebt Royal Commission
- *Monash University v EBT*
- *Yunupingu on behalf of the Gumatj Clan or Estate Group v Commonwealth of Australia* [2023] FCAFC 75

Submissions

- The Committee is finalising a submission into the inquiry into the *Freedom of Information Act 1982* (Vic).

Other matters

The Committee also engaged in the following activities during the course of the year:

- Developed a fact sheet on complaint bodies.
- Contributed to submissions by the LIV State Tax Committee.
- Monitoring significant administrative or constitutional law decisions.
- Monitoring significant administrative or constitutional law legislative developments.

The Committee would like to provide thanks to Nick Newlands, Alexander Moses, and Anisa Sakhi for their dedication, enthusiasm and ongoing support without which the Committee would not be able to properly function.

On a personal note, I would like to thank the Committee members for their valued contributions and work throughout what proved to be another challenging year and look forward to a productive 2024.

Nidal Sayegh

Chair

Animal Law and Welfare Committee

Membership

Chair:	Nicky Neville Jones
Deputy Chair:	Michael Vertes
Section Lawyer:	Nick Newlands
Section Paralegal:	Anisa Sakhi

Section Committees

Trin Ambrose RSPCA Victoria	Jane Branthwaite Equity Trustees	Shelly Fanning Coastal Planning
Kathryn Footner Footner Wren Legal	Louise McNeil Victorian Government Solicitor's Office	Nicky Neville Jones (Chair) Clancy Triado Family Lawyers
Cate Taylor	Michael Vertes (Deputy Chair) JPM Law	Damien Pitts Victorian Legal Aid

Chair Report

In 2023 the Animal Law and Welfare Committee ('Committee') continued to ensure their goals of discussing amongst their members and providing feedback on animal welfare and law issues in Victoria and on a Federal Level. The committee attempted to also hold at least one CPD session in 2023 however unfortunately the LIV was unable to host it. As Chair, I am committed to ensuring this role of the committee is met in 2024.

The committee's membership levels have also waivered in the last few years, which is probably also due to the committee having less exposure via events and CPDS in the LIV space when it previously had at least one CPD/event each year. Membership is another area that I intend to focus on as Chair in 2024. Membership is another area that I intend to focus on as Chair in 2024. While as Chair I continue to ensure advocacy is prepared on matters relevant to the Committee's cause, the importance of having members who can also assist and apply their varied expertise for the benefit of the Committee is very important. The Committee was positively called on this year to provide feedback and attend workshops in relation to the major animal welfare and protection reforms in Victoria. This will continue to be a focus for the committee in 2024, as well as monitoring the issue of recreational duck hunting in Victoria after the findings of a recent Inquiry into this activity were released. Live Export is also another major area that continues to be monitored by the committee, as well as culling.

The committee's attendance at government workshops is important and positive particularly to ensure the committee's exposure as a major animal law and animal welfare stakeholder in Victoria and on a Federal level.

Over the last year, the Committee has monitored developments in relation to:

- The significant developments in Animal Law and Welfare legislation and policy in Victoria and other jurisdictions
- The ongoing consultations and calls for feedback regarding the reforms to the Victorian Anti-Cruelty legislation “POCTA”
- The advocacy surrounding recreational duck hunting in Victoria;
- Animal culling, including of native animals like kangaroos.
- The introduction of and advocate for an independent office for animal welfare at a State and Federal Level and a separate animal welfare and law section in the Law Council of Victoria
- The issue of Live Export on a Federal and State level
- Pets in Family Law and Family Violence
- Changes to the criminal law act to better protect animals, including in relation to “crushing videos”
- The Inquiry into Pig welfare in Victoria
- To contribute to relevant law reform and policy
- Equine and donkey animal welfare issues.

Submissions

The Committee prepared the following submissions:

- A submission to the Department of Jobs, Skills, Industry and Regions regarding the regulation of native bird hunting in Victoria; and.
- A submission to the Parliamentary Committee Inquiry into Recreational Native Bird Hunting in Victoria.

Human Rights Committee

Membership

Chair:	Jacinta Lewin
Deputy Chair:	Olivia McMillan
Section Lawyer:	Nick Newlands
Section Paralegal:	Anisa Sakhi

Section Committees

McRae Alison Dunbar Office of Public Prosecutions	Bruce Chen Deakin University	Jamie Gardiner Liberty Victoria
Josephine Langbien Human Rights Law Centre	Jacinta Lewin (Chair) Maurice Blackburn	Olivia McMillan (Deputy Chair) Phi McDonald Finney
Liesl Oliver-Burger ACT Health Directorate	Rachel Pliner Federation of Community Legal Centres	Andrea Royston Office of Public Prosecutions
Odette Shenfield Inner Melbourne Community Legal	Jennifer Jones West Justice	Louarde Thomas Victorian Solicitors General Office
Bill Swannie Victoria University	Gabby Watson-Munro VEOHRC	

Chair Report

Over the last 12 months the LIV Human Rights Committee ('Committee') has continued its focus on work that aligns with the Committee mission statement and strategic pillars to promote human rights.

The current mission statement of the Committee is to be a collaborative and influential LIV sub-committee that uses the legal knowledge, expertise, and the networks of its members to promote, influence and advocate for a strong human rights culture in Australia through the sharing of knowledge, networks, legal policy work and the development of education tools.

Priorities and Focus

This year the Committee continued to contribute to these priorities by:

- Monitoring significant developments in human rights in Victoria and share knowledge amongst the Committee.
- Contributing to relevant law reform and policy debates based on our expertise.
- Monitoring ongoing impacts of Victoria's Pandemic Laws and legal outcomes arising from the application of the Charter in the Courts

In light of an ambitious policy consultation agenda at the Federal Government level that aligned strongly with the knowledge base of the Committee, much of the contributions of the Committee were Federally focused this year. The Committee provided evidence-based support to the Law Council of Australia (**LCA**) on a number equality and human rights matters. At a State level there was an opportunity to renew and reinforce calls for Anti-vilification reform.

Notably, as the acute impacts of COVID19 on the rights of many Victorians continued to decrease. As such, the Committee found that the monitoring of legal developments pertaining to the use of pandemic powers and the impact of human rights subsided. However, the work done in this space provided useful case studies to support submissions made to the LCA on the need for a National Human Rights Framework.

The main contributions made in 2023 were as follows:

National Human Rights Framework Review

- The committee provided comprehensive support to the Law Council of Australia (LCA) through submissions in support of a Federal Human Rights Act and Federal Human Rights Framework. The committee drew on a wealth of knowledge and practical experience with the Charter of Human Rights and Responsibilities Act 2006 (Vic) (the Charter) to provide support to the LCA. This work included illustrations of how these frameworks support better decision making by public authorities.
- The Chair of the Committee subsequently appeared on behalf of the Law Council at the Parliamentary Joint Committee for Human Rights with Adam Fletcher and Stephen Keim SC in October 2023.

Commonwealth Anti-discrimination Costs Model

- Submissions were provided to the LCA based on members knowledge and expertise concerning proposed changes to cost model for Commonwealth anti-discrimination laws, including under the *Australian Human Rights Commission Act 1986* (Cth).

Victoria's Anti-Vilification laws

- The Committee generously engage with yet further consultation in respect of the long-running work around the proposed amendments to Victoria's Anti-Vilification laws.
- The Committee provided a submission to the Department of Justice drawing attention to longstanding policy submission previously provided by the LCA.

Membership

The Committee has a diverse range of members from private practice, Government and the community legal sector. The focus on sharing of knowledge and awareness of key developments and emerging human rights

issues is a highly valued aspect of the Committee and this collaboration supports the substantive policy and educational contributions. It should be acknowledged that the Committee members brought significant expertise to submissions and the surrounding advocacy. The Committee was also able to exchange knowledge and ideas concerning the Voice to Parliament and was amenable to attending additional meetings to ensure opportunities to engaged with key policy developments were engaged with in a timely manner.

Work in progress

- Monitoring the proposed changes to Victoria's Anti-Vilification laws;
- Monitoring the proposed Australian Human Rights Act.

Future Focus

- Consider opportunities to encourage memberships across the LIV with a view to ensuring the committee has a diversity of thought, experience and is set up for the future.
- Continuing law reform and advocacy in the areas of police accountability;
- Continuing law reform activities regarding the Anti-Vilification laws and the *Racial and Religious tolerance Act 2001* (Vic);
- Continue to advocate for the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

Concluding comments

The Committee would like to thank Alex Moses, Anisa Sakhi and Nicholas Newland other LIV staff for their support of the Committee in the last 12 months. The Chair would like to extend further thanks to Olivia McMillian who has been an invaluable Co-Chair.

Migration Law Committee

Membership

Co-Chairs: Mary Hanna and Melissa Haag (until October 2023)

Acting Chair: Lena Hung (Since October 2023)

Section Lawyer: Nick Newlands

Section Paralegal: Anisa Sakhi

Section Committees

Nimalini Ambikaipalan Ambi Associates	Ariel Brott GLOMO	Andrew Cope Cope Migration
Hannah Dickinson Asylum Seeker Rights Centre	Valerie Da Gama Pereira Da Gama Pereira and Associates Pty Ltd	Catherine Farrell Clothier Anderson Immigration Lawyers
Samantha Fitzsimons Abode Migration Lawyers	Carina Ford Carina Ford Immigration Lawyers	Melissa Haag (Co-Chair until October 2023) Haag Walker Lawyers
Mary Hanna (Co-Chair until October 2023) Mary Hanna Lawyers	Lena Hung (Acting-Chair) Lena Hung & Associates	Joseph Italiano Joseph Italiano & Associates

Rumana Jahan SMP Legal	Maria Jockel BDO Migration Services	Peggy Kerdo Kerdo Legal
Nicholas Koenig Nicholas Koenig & Adrian Simons	John A Kotsifas JK Legal	Rabiah Khawaja WLW Lawyers
Jensen Ma Agile Legal Consulting	Tonley Munro Carina Ford Immigration Lawyers	Anthony Robinson A R Law Services
Paul Smith Paul Joseph Smith Migration Services	Chris Spentzaris Fragomen Australia	Lauri Stewart Stewart Administrative and Migration Lawyers
Jordan Tew Hannan Tew Lawyers	Stephanie Vejar Women's Legal Services Victoria	Sanmati Verma Human Rights Law Centre
Dinesh Weerakkody D Legal Barristers & Solicitors	Mira Yannicos Visa Sure	Helen Zheng Nevett Ford Melbourne

Chair Report

The Migration Law Committee ('**Committee**') comprises of Immigration lawyers, including several LIV Immigration Law and also Administrative Law Accredited Specialists. The expertise of Committee Members includes statutory interpretation across all areas of migration law, merits review appeals to the Administrative Appeals Tribunal and judicial review litigation in the Federal Courts. The Migration Committee focuses on non-refugee migration law but works closely with the Refugee Law Committee where matters overlap.

The functions of the Migration Committee involve:

- monitoring developments and recommending reform options in the areas of immigration law;
- strengthening relationships between the legal profession and the courts, tribunals, regulatory and administrative bodies, and government;
- initiating professional development activities which meet the needs of practitioners working in the areas of immigration law; and
- promoting within the legal and non-legal community the observance of administrative law and an appreciation for the rule of law in immigration law practice.

The Chairs for 2023 were initially Melissa Haag and Mary Hanna. In October 2023, Melissa and Mary were both appointed to the Administrative Appeals Tribunal. Since October Lena Hung has been acting chair for the Committee.

Committee Activities

The Migration Committee met on six occasions this year as a whole Committee.

The Migration Committee also formed smaller Working Groups to focus efforts and member skills more effectively. The Working Groups have been effective and have each held a number of separate meetings this year. Each Working Group Chair reports back to the wider Committee at whole Committee meetings.

The following Working Groups operated in 2023:

1. Administrative Review Working Group (Chair: Carina Ford)

The working group is currently monitoring the government's response to Senate Inquiry into Administrative Appeals Tribunal ('AAT') Reform

The working group has also contributed to:

- Advocacy to LCA on AAT reform
- Procedural issues at AAT

2. Skilled Migration Working Group (Chair: Chris Spentzaris)

- Contributed to submissions to the LCA regarding skills assessment process and strengthening protections for migrant workers

3. Family Visa and Citizenship Working Group (Chair: Previously Mary Hanna, currently open)

- Contributed to submissions to the LCA regarding the need to expand family violence provisions.

4. Migrant Worker Rights Working Group (Chair: Sanmati Verma)

- Contributed to submissions regarding the protections of workers

Other Submissions

The Committee is currently working on a submission to the LCA for their submission to the Parliamentary Joint Committee on Intelligence and Security's inquiry into Australia's existing legislation regarding citizenship cessation determinations.

Other submissions of the Committee this year have included:

- Submission to LCA on Administrative Review Reform: Issues Paper;

- A joint submission with the LIV's Family Violence Working Group to the LCA regarding the proposed expansion of the family violence provisions;
- A Submission to the LCA regarding the need to strengthen protections for Migrant Workers in Australia; and
- A submission to the LCA regarding the need to simplify Australia's skills assessment program.

Meetings/Consultations with Stakeholders

- The whole Migration Law Committee met with the Victorian Government Skilled Business and Migration Program from the Department of Jobs, Skills, Industry and Regions

Acknowledgements

The Migration Committee would like to Acknowledge the substantial contributions of the former Co-Chairs of the Migration Law Committee, Mary Hanna and Melissa Haag and to John Kotsifas, to the Administrative Appeals Tribunal in the field of Immigration law and commends them on their appointment to the Migration and Refugee Division of the Tribunal.

Lena Hung

Acting Chair

Reconciliation and Advancement Committee

Membership

Chair:	Michael Thorne (until September 2023) Sophie Brown (since September 2023)
Deputy Chair:	Sophie Brown (until September 2023)
Section Lawyer:	Nick Newlands
Section Paralegal:	Anisa Sakhi

Section Committees

Sophie Brown Lander and Rodgers	Tekan Cochrane Tarwirri	Catherine Healy Catherine Healy Legal Consulting
John Stack VGCCC	Michael Thorne (Chair until September 2023) Maurice Blackburn	Samuel Taylor Maurice Blackburn
Hayden Walker Chair Report	Laura Wilson Victoria Legal Aid	Effie Zafirakis

Chair Report

This year the Reconciliation and Advancement Committee (the Committee) was pleased to engage with its members in committee members, including longstanding members and new faces. The Committee's focus for the year was the Voice to Parliament referendum, monitoring outcomes of inquests into the deaths of Aboriginal people in custody in Victoria, and supporting the LIV in updating its Reconciliation Action Plan and consultation on the development of a cultural awareness framework.

Commitments that remain ongoing are to continue to raise awareness of issues of a legal nature that impact Aboriginal and Torres Strait Islander peoples, taking the lead from Aboriginal and Torres Strait Islander organisations and community about the issues of focus. The Committee will continue to amplify community priorities and intends to run a post-referendum event to centre community issues and voices.

This year the committee was sad to farewell our terrific Chair, Michael Thorne, who was a longstanding member and Chair of the Committee. Michael joined the committee in 2018 and commenced as Chair in 2019. He maintained a highly active committee membership and has overseen many committee actions and activities during his tenure. We look forward to staying in touch with Michael as a great friend of the committee. Michael's recent Co-Chair, Sophie Brown, continues to Co-Chair the committee and Tekan Cochrane was elected Co-Chair by the Committee in November 2023.

Refugee Law Reform Committee

Co-Chairs: Kate Coffey and Toniey Munro

Section Lawyer: Nick Newlands

Section Paralegal: Anisa Sakhi

Cassandra Benjamin Refugee Legal	Arti Chetty Russel Kennedy Lawyers	Chelsea Clarke Victorian Legal Aid
Kate Coffey (Co-Chair) AUM Lawyers	Hannah Dickinson Asylum Seeker Rights Centre	Carina Ford Carina Ford Immigration Lawyers
Gerard Gleeson Abode Migration	Asher Hirsch Refugee Council	Dessie Hristova Assent Migration
Peggy Kerdo Kerdo Legal	Simon Leske WLW Lawyers	David Manne Refugee Legal
Toniey Munro (Co-Char) Carina Ford Immigration Lawyers	Leah Perkins Carina Ford Immigration Lawyers	Rachel Saravanamuthu Asylum Seeker Resource Centre
Sanmati Verma Human Rights Law Centre	Shabnum Cassim Gadens	

Chair Report

We, Kate Coffey and Toney Munro, have enjoyed our first year as the co-chairs of the Refugee Law Reform Committee (the **Committee**) in 2023.

Our meetings have been held once a month ensuring our members can collaborate regularly and allowing for substantive work to be undertaken between our meetings. This year, our Committee has continued to meet online via Zoom as opposed to in-person. As in 2022, we have found that our Committee's engagement and attendance has remained at high levels as a result of a more accessible and efficient mode of holding our meetings.

We are thrilled by the level of active participation in our Committee and the willingness for members to engage throughout the meetings and with submissions and other work between our meetings. There is a great and continued need for our Committee and the advocacy we undertake. We have a strong commitment and willingness from our Committee to undertake that work and share their expertise with each other to ensure together we can create change.

Committee priorities

Our Committee's priorities throughout 2023 have included:

- AAT reform – including a submission to the LCA on the Administrative Review Reform: Issues Paper, which was an important submission taken up by both our Committee and our sister committee, the Migration Law Committee;
- Advocacy for Partner Visa and Humanitarian Visa Applicants – with respect to Direction 80 and applicants who are Afghan Nationals and may face practical difficulties during their visa process;
- TPV/SHEV reform – this included advocacy for the cohort eligible to apply for the Resolution of Status (ROS) visa, including developing a fact sheet to provide information on applying for the ROS visa; and
- Monitoring ongoing changes in Refugee Law.

Submissions and letters

Our Committee continues to have a strong relationship with the Law Council of Australia (**LCA**) and contributes throughout the year on various submissions and advocacy for change. In practice, the work of our (state based) Committee is to feed back to the (federal) LCA on issues relating to refugee law reform.

This year, this has come in the form of the following submissions and letters to the LCA:

- LCA submission on review into an appropriate cost model for Commonwealth anti-discrimination laws, including under the Australian Human Rights Commission Act 1986;
- LCA submission on national human rights framework review – inquiry by parliamentary joint committee on human rights;
- Submission to LCA on Administrative Review Reform: Issues Paper;

- Submission to LCA on partner and humanitarian visa processing arrangements at the Department and invitation to attend an LIV Committee meeting;
- LCA submission on the Migration Amendment (Aggregate Sentences) Act 2023, s46A/B, and s48B of the Migration Act 1958 (Cth) bar lift requests, the 'Ports Affected' cohort, the Immigration Assessment Authority, Partner Visa dependency requirements and the Migration Amendment (Evacuation to Safety) Bill 2023; and
- LCA submission to DHA on Australia's Humanitarian Program for 2023-2024.

As we write this Report, we intend on writing to the LCA jointly with our sister Committee, the Migration Law Committee, on the recent High Court decision that ruled that indefinite detention is not constitutional and on the situation in Pakistan where Afghan nationals, many who have pending visa applications for Australia, are being, or threatened to be, expelled from the country.

The Committee has undertaken a large number of submissions this year, being both a testament to the continued advocacy of the Committee and the vast number of issues within our portfolio that we work to advocate on to effect positive change. That work will, of course, continue in the years to come.

Work in progress

The Committee hopes to develop and deliver a CPD in the character space in 2024, develop a sub-committee that focuses on citizenship applications by those who otherwise fall within our portfolio and continue to monitor ongoing developments in refugee law. It is expected that this advocacy will extend to those impacted by the recent High Court decision on indefinite detention, particularly for those with positive protection findings, and on ways to assist with family reunion for those who have and will be granted ROS visas.

We look forward to being part of an active and engaged Committee in 2024 and beyond.

We wish to thank Nick Newlands, and before Nick, Alexander Moses, the Administrative Law and Human Rights section leads, as well as Anisa Sakhi, paralegal, who ensure our meetings and committee work run smoothly. We also wish to thank the members of our Committee who continue to generously offer their time and expertise to improve the rights of people seeking asylum and refugees in Australia.

Kate Coffey and Toniey Munro

Co-Chairs

Advocacy Work

Submissions

SUBMISSION	SUMMARY	DATE
Submission to: Department of Jobs, Skills, Industry and Regions	A submission from the Animal Law and Welfare Committee regarding the regulation of native bird hunting in Victoria.	13 February 2023
Submission to: Select Committee on Victoria's Recreational Native Bird Hunting Arrangements	A submission from the Animal Law and Welfare Committee to the inquiry into recreational native bird hunting in Victoria.	18 May 2023
Submission to: The Department of Justice	A submission from the Human Rights Committee in response to stage 1 of the inquiry into expanding Victoria's anti-vilification laws.	8 September 2023

Memoranda to the Law Council of Australia (LCA)

COMMITTEE	SUMMARY	DATE
Migration Law Committee	A memo to the LCA to inform their submission to the Parliamentary Inquiry into Migration, Pathway to Nation Building.	3 March 2023
Human Rights Committee & Refugee Law Reform Committee	A memo to the LCA to inform their submission regarding an appropriate cost model for anti-discrimination laws, including under the <i>Australian Human Rights Commission Act 1986</i> (CTH).	5 April 2023
Migration Law Committee & Refugee Law Reform Committee	A memo to the LCA regarding the proposed Administrative Review Reforms.	29 April 2023
Refugee Law Reform Committee	A letter to the LCA requesting an update from the Department of Home Affairs regarding the processing of partner and humanitarian visas.	18 May 2023
Refugee Law Reform Committee	A memo to the LCA requesting an update from the Department of Home Affairs on the proposed <i>Migration Amendment (Aggregate Sentences) Act 2023</i> , Ministerial Intervention requests under section 46A/B and 48B of the	18 May 2023

	<i>Migration Act 1958 (Cth)</i> , the ports cohort, Immigration Assessment Authority, partner visa applications and the <i>Migration Amendment (Evacuation to Safety) Bill 2023</i> .	
Human Rights Committee	A memo to the LCA regarding the national human rights framework to inform their response to the Parliamentary Inquiry into Australia's Human Rights Framework.	26 May 2023
Refugee Law Reform Committee	A memo to the LCA on Australia's humanitarian program for 2023-2024.	1 June 2023
Migration Law Committee & Family Violence Working Group	A memo to the LCA regarding the proposed expansion of Australia's family violence provisions for people on temporary visas.	17 July 2023
Migration Law Committee	A memo to the LCA regarding the <i>Migration Amendment (Strengthening Employer Compliance) Bill 2023</i> .	21 July 2023
Migration Law Committee	A memo to the LCA on proposed reforms to Australia's skills assessment system.	7 November 2023
Refugee Law Reform Committee and Migration Law Committee	A letter to the LCA regarding the legal needs of the detainees released from immigration detention following the decision of the High Court in <i>NQYZ v Minister for Immigration, Citizenship and Multicultural Affairs</i> .	13 November 2023

Events and External Engagements

Guest Speakers at Committee Meetings

GUEST SPEAKER	COMMITTEE MEETING	DATE
Irene Tkalcevic and Damian Marquardt Skilled and Business Migration Program within the Department of Jobs, Skills, Industry and Regions	Migration Law Committee	14 November 2023

Key Meetings with External Bodies

MEETING	DATE
Met with representatives of the LCA and the Department of Home Affairs to discuss NQYZ cohort following their release from immigration detention.	15 November 2023.